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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 JUSTIN BELDOCK, et al.,

11 Plaintiffs,

12 v.

13 MICROSOFT CORPORATION, et  
14 al.,

15 Defendants.

CASE NO. C22-1082JLR

ORDER

16 Before the court are two motions for leave to file *amici curiae* briefs in support of  
17 Defendants Microsoft Corporation, the Board of Trustees of Microsoft Corporation, the  
18 401(k) Administrative Committee of the Microsoft Corporation Savings Plus 401(k)  
19 Plan, and Does Nos. 1-20's (collectively, "Defendants") motion to dismiss (*see* MTD  
20 (Dkt. # 27)) filed by (1) a group comprised of American Benefits Council, ERISA  
21 Industry Committee, American Retirement Association, and Committee on Investment of  
22 Employee Benefit Assets, Inc. (collectively, "ABC") (*see* ABC Mot. (Dkt. # 31)), and

1 (2) the Chamber of Commerce of the United States of America (the “Chamber”) (*see*  
2 Chamber Mot. (Dkt. # 39); Chamber Reply (Dkt. # 48)). Plaintiffs Justin Beldock,  
3 Gordon Broward, and Shaadi Nezami (collectively, “Plaintiffs”) oppose both motions.  
4 (*See* Resp. to ABC Mot. (Dkt. # 43); Resp. to Chamber Mot. (Dkt. # 47).) Defendants do  
5 not oppose either motion. (*See* Dkt.) The court has reviewed the parties’ submissions,  
6 the relevant portions of the record, and applicable law. Being fully advised, the court  
7 GRANTS ABC’s and the Chamber’s motions to file *amicus* briefs in support of  
8 Defendants’ motion to dismiss.

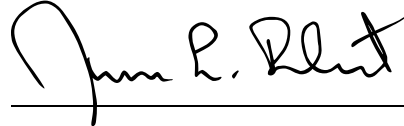
9 District courts may consider *amicus* briefs from non-parties “concerning legal  
10 issues that have potential ramifications beyond the parties directly involved or if the  
11 *amicus* has unique information or perspective that can help the court beyond the help that  
12 the lawyers for the parties are able to provide.” *Macareno v. Thomas*, 378 F.Supp.3d  
13 933, 940 (W.D. Wash. 2019) (quoting *NGV Gaming, Ltd. v. Upstream Point Molate,*  
14 *LLC*, 355 F.Supp.2d 1061, 1067 (N.D. Cal. 2005)) (internal quotation marks omitted).  
15 The court has “broad discretion” to appoint *amici curiae*. *Hoptowit v. Ray*, 682 F.2d  
16 1237, 1260 (9th Cir. 1982), *abrogated on other grounds by Sandin v. Conner*, 515 U.S.  
17 472 (1995).

18 The court finds that ABC and the Chamber each have unique perspectives that  
19 may help the court decide the legal questions at issue in Defendants’ motion to dismiss.  
20 *See Macareno*, 378 F.Supp.3d at 940. Accordingly, the court GRANTS ABC’s motion to  
21 file an *amicus* brief in support of Defendants’ motion to dismiss (Dkt. # 31) and

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1 GRANTS the Chamber's motion to file an *amicus* brief in support of Defendants' motion  
2 to dismiss (Dkt. # 39)<sup>1</sup>.

3 Dated this 9th day of December, 2022.

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6 JAMES L. ROBART  
7 United States District Judge  
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21 <sup>1</sup> The Chamber's motion is labeled as a "motion for leave to participate as *amicus*  
22 *curiae*." (See Chamber Mot. at 1.) The court only permits the Chamber to file its proposed  
*amicus curiae* brief in support of Defendants' motion to dismiss. (See *id.*, Ex. A.) The Chamber  
is not permitted to otherwise "participate" in this litigation without explicit leave of the court.

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